

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

EDDIE MAE CLEMONS.,

Petitioner

VS.

FOREST SANDERS, WARDEN,

Respondent

NO. 5: 05-CV-192 (CAR)

**PROCEEDINGS UNDER 28 U.S.C. § 2254
BEFORE THE U.S. MAGISTRATE JUDGE**

RECOMMENDATION OF DISMISSAL

On August 22, 2005, the respondent in the above-captioned case filed two **MOTIONS TO DISMISS FOR LACK OF EXHAUSTION AND AS UNTIMELY**. Tabs #7 and #9. Thereafter, on August 29, 2005, the undersigned advised petitioner of said motions and his duty to respond properly thereto. Petitioner was further advised that failure to respond within twenty (20) days would result in a recommendation of dismissal.¹ Tab #12. The petitioner has failed to respond to the court's order.

Accordingly, IT IS RECOMMENDED that the petitioner's petition for a writ of habeas corpus be **DISMISSED** for failure to respond to the court's order. Further, IT IS RECOMMENDED that the respondent's **MOTIONS TO DISMISS FOR LACK OF EXHAUSTION AND AS UNTIMELY** (Tabs #7 and #9) be **GRANTED** as UNCONTESTED. Pursuant to 28 U.S.C. §636(b)(1) the parties may serve and file written objections to this RECOMMENDATION with the district judge to whom the case is assigned **WITHIN TEN (10) DAYS** after being served with a copy thereof. The clerk is directed to serve the plaintiff with a copy of this recommendation by mailing it to the **LAST ADDRESS** provided by him.

SO RECOMMENDED, this 7th day of DECEMBER, 2005.



A handwritten signature in blue ink that reads "Claude W. Hicks, Jr." The signature is fluid and cursive.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE

¹Petitioner was also advised to respond to the Motion To Sever as well.